UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/2000/6
6 January 2000

ORIGINAL: ENGLISH

LETTER DATED 6 JANUARY 2000 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have been instructed by my Government to transmit its comments on your report on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/1999/1250 and Add.1) of 23 December 1999.

The report gives cause for one overarching concern: the apparent contradiction between the claim that UNMIK has made progress and the facts presented almost throughout the report testifying that the Serbs and other non-Albanians are threatened and that their human rights are being violated. These facts corroborate the position of the Federal Republic of Yugoslavia, made clear on many occasions, that the security situation in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, is difficult and that its difficulty is being compounded by gross violations of human rights carried out by the members of the so-called Kosovo Liberation Army (KLA), the abuse of juveniles and the presence of organized crime, the instances of which were hardly mentioned in the previous report.

Of particular concern is the fact that the provisions of Security Council resolution 1244 (1999) of 10 June 1999 continue to be violated. Its express stipulation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia is not abided by; conditions are not being created for peaceful and normal life; violence continues unabated, particularly against non-Albanians; public law and order are non-existent; no proper border monitoring duties have been established; the provisions on the return of an agreed number of Army of Yugoslavia (VJ) and Serbian police personnel have not been implemented; and no secure environment has been created for the return of refugees and internally displaced persons.

The facts presented throughout the report disprove the claim that UNMIK and the Kosovo Force (KFOR) have carried out their mandate successfully. The establishment of an Interim Administrative Council, the alleged demilitarization of KLA and the setting up of political parties are paper achievements, lip service to a genuine improvement of the situation in the field.

Almost all the instances of the non-implementation of Security Council resolution 1244 (1999) and the non-functioning of institutions in Kosovo and

Metohija are rooted in the existence of security problems, absence of basic human rights and fundamental freedoms for non-Albanians and the commission of serious crimes, such as killings, woundings, abductions, harassment and threats, theft and usurpation of public and private property. Yet, the report has failed to assess blame for the situation and identify the perpetrators and to propose measures to deal with the situation. Although there is abundant evidence in this report (as well as in the reports of the Organization for Security and Cooperation in Europe (OSCE), Amnesty International and the Special Rapporteur of the Commission on Human Rights) that the perpetrators of the atrocities are ethnic Albanian terrorist separatists, that is to say, the members of the so-called KLA or the Kosovo Protection Corps (KPC), they continue to enjoy the tolerant and benevolent attitude of international presences, and plans are even in place to formally establish KPC by a ceremony in a near future, in contravention of Council resolution 1244 (1999).

The difficult security situation is a direct consequence of the tolerant and benevolent attitude. This is pointed out also in the report by references to "attacks on Kosovo Serbs and other ethnic minorities" which "remained high and continued to be the overriding human rights issue in Kosovo" (para. 2); to "severe restrictions on (the) freedom of movement" of "members of ethnic minorities" (para. 17) and to the enormous magnitude of the ethnic cleansing of Serbs carried out in this Serbian province (in para. 17, it is stated that "in Pristina, the estimated remaining 300 to 600 Kosovo Serbs are frightened to go out and are mostly confined to their homes"); and to the increase in juvenile and organized crimes (paras. 15-19 of the report), of which the Federal Republic of Yugoslavia has warned frequently in the past.

The security reasons given by the Office of the United Nations High Commissioner for Refugees (UNHCR) for not "encouraging returns" of Kosovo Serbs (para. 23) are eloquent proof of the gravity of the situation provided by an independent agency, while the reasons invoked (para. 24) for the departure of the Serbs and other non-Albanian groups from Kosovo are just the tip of the iceberg in respect of the atrocities committed against them.

The fact that Serbs are forced to live in enclaves (para. 17) reveals the existence of an obnoxious practice of ghettoization, the most glaring example of which is the situation in the town of Orahovac, a disgrace to the United Nations and its peacekeeping effort on the cusp of the third millennium.

The clearing of 2,700 cluster bombs within the Mine Action Programme (para. 33) is indicative of the use of banned ordnance by the North Atlantic Treaty Organization (NATO) in its aggression against the Federal Republic of Yugoslavia, of which my Government is in possession of abundant evidence.

Section V.B of the report, on human rights (paras. 70-76), reads as a sorry and sad annals of human rights abuses by ethnic Albanian terrorist separatists against Serbs and other non-Albanians, as well as against their own co-nationals who had the "temerity" to embrace the "wrong side" in the conflict.

However, the allegations that some Albanian prisoners held in Serbia have been released "after paying prison officials or other intermediaries" are untrue and malicious. International Committee of the Red Cross (ICRC) representatives

have visited all prisoners, submitted appropriate reports and informed the families. Accordingly, such claims belong to the realm of speculation, as do the "unconfirmed reports ... that some people may be detained at military installations". They amount to a thinly veiled attempt to balance the blame, as it is widely known that the political leaders of ethnic Albanians in Kosovo and Metohija and the so-called KLA refuse to cooperate in the search for over 600 Serbs and other non-Albanians who have gone missing since the arrival of the United Nations security and civil presences.

Some of the issues are addressed perfunctorily and no attempt is made to highlight the root causes of the problems. Among them are the non-existence of multi-ethnic hospitals in Kosovo and the problems of education (paras. 38-39), caused primarily by ethnic Albanian terrorist separatists.

UNMIK and KFOR have failed to prevent the so-called KLA from carrying out illegal activities, such as tax and customs duty collection, and issuance of vital records and other certificates (para. 35), which take place on a daily basis and under the watch of the presences, and of which the Federal Republic of Yugoslavia has warned on more occasions than one.

The professions of contacts and cooperation with the Federal Republic of Yugoslavia (para. 8) are pro forma exercises, designed to mask frequent violations of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. The few contacts and the little cooperation that do exist are fruitless, as the positions of the Federal Republic of Yugoslavia are not respected, while its sovereignty and territorial integrity, as well as its laws and the laws of its constituent Republic of Serbia, are systematically violated.

This is very much in evidence in the sections of the report dealing with questions of civil administration, humanitarian assistance, economic reconstruction and institution-building which cannot be properly addressed short of cooperation with the authorities of the Federal Republic of Yugoslavia and the Republic of Serbia. It should be pointed out that these authorities are present in Kosovo and Metohija in order to assist in the implementation of Security Council resolution 1244 (1999).

On a number of occasions, the Federal Republic of Yugoslavia has drawn the attention of the Security Council to the regulations of the Special Representative of the Secretary-General of the United Nations that are contrary to Council resolution 1244 (1999) and that it considers null and void. Notwithstanding the protestations not only of the Government of the Federal Republic of Yugoslavia, but also of the Member States of the Security Council, the Special Representative has continued his policy of fait accompli, aimed at driving a wedge between Kosovo and Metohija and Serbia, the Republic of which it is the integral part, and the Federal Republic of Yugoslavia.

The opening of Pristina airport for commercial traffic, taking control over industrial plants and conglomerates, establishment of the Kosovo Post and Telecommunications (PTK), selection of the bid of a French company, Alcatel, to supply equipment for a Global System for Mobiles (GSM), issuance of separate postage stamps, scheduling of the registration of the residents of Kosovo and Metohija and the intention of carrying out early elections notwithstanding the

fact that there exist no conditions for holding them in the near future, are the most drastic examples of the violations of Security Council resolution 1244 (1999), in particular its provision on the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

The Special Representative of the Secretary-General of the United Nations has gone to great lengths to placate ethnic Albanian terrorist separatists. One of the glaring examples is also his readiness to change his regulations to provide for the application of the laws and regulations in existence in Kosovo and Metohija prior to 1989. In doing so, the Special Representative has joined the bandwagon of those who call for the separation of this Serbian province, in wanton disregard of the mandate entrusted to him by the Security Council.

The report is silent about the need to respect the sovereignty and territorial integrity, as well as the laws, of the Federal Republic of Yugoslavia and its constituent Republic of Serbia. No mention is made either of the failure to implement the provisions of Security Council resolution 1244 (1999) and the military-technical agreement on the return of VJ and Serbian police personnel to Kosovo and Metohija or of the opening of representative offices of foreign countries without consultation and agreement of the Federal Republic of Yugoslavia, which is contrary to Council resolution 1244 (1999) and the Vienna Conventions on Diplomatic and Consular Relations.

Bearing in mind the aforementioned, the Federal Republic of Yugoslavia requests the Security Council to consider urgently the situation in Kosovo and Metohija and to enjoin UNMIK and KFOR to implement Council resolution 1244 (1999) in its entirety, to create a secure environment for all residents of Kosovo and Metohija and to enable VJ and Serbian police personnel to return to Kosovo and Metohija without delay.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.